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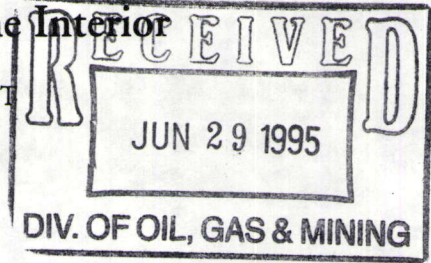
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**DOGM
MINERALS PROGRAM
FILE COPY**

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
324 South State, Suite 301
Salt Lake City, Utah 84111-2303



JUN 28 1995

CERTIFIED MAIL - Return Receipt Requested

DECISION Modified in Part

Mr. E.B. King
Jumbo Mining Company
6305 Fern Spring Cove
Austin, Texas 78730

: 43 CFR 3809
: Decision of State Director
: on Notice of Noncompliance

By memorandum of June 23, 1995, the District Manager, Richfield District, Bureau of Land Management (BLM) stated the following:

In our meeting on June 14th with all agencies involved, we found the sampling plan for the mine waste to be inadequate and not acceptable by DEQ or BLM. Doug Taylor, with the DEQ/DSHW, stated that he would help Dave Hartshorn, Jumbo Mining Project Manager, develop a sampling plan that would be acceptable by both the DEQ and BLM.

Both Agencies would review the plan and in order to do this correctly, we request extending the time set by the State Director in answer to Jumbo Minings Appeal of non-compliance to August 1, 1995. This extension of time will include reviewing the sampling plan and taking all of the samples of potential hazardous materials at the mine site prior to the above date.

It is apparent that representatives of the State of Utah, Department of Environmental Quality (DEQ), the BLM Richfield District Manager, as well as the project manager for Jumbo Mining are in agreement on a revised timetable for executing a sampling plan. Therefore, my decision of May 19, 1995, is modified as follows; Jumbo Mining Company must complete the required sampling of the drums as well as sampling of the soil stains (both referred to in my May 19, 1995, decision) by August 1, 1995.

Appeal Rights

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21) (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



for Matt Millenbach
State Director

Enclosure
Form 1842-1

cc: Dave Hartshorn, Jumbo Mine Project Manager (w/enclosure)
Doug Taylor, Utah Division of Solid and Hazardous Waste
Jason Knowlton, Utah Division of Environmental Response and Remediation
✓ Wayne Hedberg, Utah Division of Oil, Gas and Mining
Mark Novak, Utah Division of Water Quality
Roger Foisy, Utah Division of Environmental Quality,
District Engineer, Central District
Therron Blatters, Utah Division of Environmental Response and Remediation,
Underground Storage Tanks
Jim Martin, Utah Division of Environmental Response and
Remediation, Leaking Underground Storage Tanks
District Manager, Richfield District
Area Manager, House Range Resource Area